

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

JASON W. PIPKIN, et al.

Plaintiffs,

v.

ESTES EXPRESS LINES,

Defendant.

Civil Action No: 3:15-cv-00249-REP

**MEMORANDUM IN SUPPORT OF MOTION FOR LEAVE OF COUNSEL
TO BE EXCUSED FROM INITIAL PRE-TRIAL CONFERENCE**

Defendant, Estes Express Lines, and its three trial counsel, C. Michael DeCamps, David L. Woodard and David L. Terry, hereby submit this Memorandum in Support of Motion for Leave of Counsel to be Excused from Initial Pre-Trial Conference pursuant to the “Order Setting Pre-Trial Conference” entered July 2, 2015. Defendant respectfully requests that the Court excuse one of its defense counsel, David L. Terry, from attendance at the Initial Pre-Trial Conference currently set in the above-captioned matter for July 22, 2015 beginning at 10:30 a.m.

On July 2, 2015, this Court entered an “Order Setting Pre-Trial Conference” for July 22, 2015 at 10:30 a.m. in the Chambers of Judge Payne. The Order further states that “[u]nless agreed otherwise by all counsel and approved by the Court before the pre-trial conference, counsel who will actually try the case shall attend the pre-trial conference. In any event, counsel attending the pre-trial conference shall be knowledgeable of the facts and legal issues in the action and shall be prepared to set a firm trial date.”

Plaintiff is represented by David R. Simonsen, Jr. and Christopher Colt North. Defendant, Estes Express Lines, is represented by C. Michael DeCamps of Sands Anderson PC in Richmond and David L. Terry and David L. Woodard of Poyner Spruill LLP in North Carolina. Attorneys Terry and Woodard have made application to qualify as foreign attorneys

under Local Civil Rule 83.1(D) and those Motions for Admission were granted by the Court on June 8, 2015.

Prior to this summer of 2015, David Terry scheduled an out-of-state vacation in California with his family while his daughter was out of college for the summer. The vacation is set for the dates of July 20-28, 2015. In May, 2015 the expenses associated with that vacation were predominately paid. This was the only time when the family members allowed the taking of a vacation.

Attorneys DeCamps, Woodard and Terry are all designated trial counsel for Estes Express Lines. Michael DeCamps and David Woodard will attend the Initial Pre-Trial Conference on July 22, 2015. These two attorneys are fully informed and knowledgeable of the facts and legal issues in this action as well as all matters to be covered in the Initial Pre-Trial Conference. They will have everyone's calendar schedules in order to set all deadlines and a firm trial date. David Terry has no other foreseeable scheduled absences throughout the duration of this case and will attend all future conferences, hearings and trial.

Counsel for the Plaintiff, David Simonsen, has indicated that he has no opposition to Mr. Terry's absence from the Initial Pre-Trial Conference and has authorized counsel to indicate that he is in agreement with this Motion and request. Defendant believes that justifiable and good cause exists for entry of a proposed order in substantially the form of the order attached to the motion accompanying this memorandum.

Accordingly, and based on the above, Defendant and its counsel respectfully request that this Court grant their Motion for Leave of Counsel (David L. Terry) to be excused from the Initial Pre-Trial Conference scheduled for July 22, 2015.

Respectfully submitted this the 7th day of July, 2015.

/s/ C. Michael DeCamps

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that a copy of the foregoing “**Memorandum in Support of Motion for Leave of Counsel to be Excused from Pre-Trial Conference**” has been served via Clerk of Court using the CM/ECF system which sends notification of such filing to the following counsel for Plaintiff:

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This the 7th day of July, 2015.

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